

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:18-cv-10763-IT**

National Consumer Law Center v. United States Department of Education
Assigned to: Judge Indira Talwani
Cause: 05:552 Freedom of Information Act

Date Filed: 04/19/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

National Consumer Law Center

represented by **Persis S. Yu**
National Consumer Law Center
7 Winthrop Square
4th Floor
Boston, MA 02110
617-542-8010
Email: pyu@nclc.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick D. Llewellyn
Public Citizen Litigation Group
1600 20th Street NW
Washington, DC 20009
(202) 588-1000
Email: pllewellyn@citizen.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stuart T. Rossman
National Consumer Law Center
7 Winthrop Square
4th Floor
Boston, MA 02110
617-542-8010
Fax: 617-542-8028
Email: srossman@nclc.org
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Education

represented by **Susan M. Poswistilo**
United States Attorney's Office
John Joseph Moakley Federal Courthouse
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3103
Fax: 617-748-3675
Email: susan_poswistilo@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/19/2018	<u>1</u>	COMPLAINT against All Defendants Filing fee: \$ 400, receipt number 0101-7101407 (Fee Status: Filing Fee paid), filed by National Consumer Law Center. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Category Form)(Rossman, Stuart) (Entered: 04/19/2018)

04/19/2018	<u>2</u>	ELECTRONIC NOTICE of Case Assignment. Judge Indira Talwani assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Donald L. Cabell. (McDonagh, Christina) (Entered: 04/19/2018)
04/19/2018	<u>3</u>	Summons Issued as to United States Department of Education. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Pacho, Arnold) (Entered: 04/19/2018)
04/23/2018	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Patrick Llewellyn Filing fee: \$ 100, receipt number 0101-7104176 by National Consumer Law Center. (Attachments: # <u>1</u> Affidavit Declaration)(Rossman, Stuart) (Entered: 04/23/2018)
04/25/2018	<u>5</u>	Judge Indira Talwani: ELECTRONIC ORDER entered ALLOWING <u>4</u> Motion for Leave to Appear Pro Hac Vice Added Patrick D. Llewellyn. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (DaSilva, Carolina) (Entered: 04/25/2018)
04/26/2018	<u>6</u>	NOTICE of Appearance by Persis S. Yu on behalf of National Consumer Law Center (Yu, Persis) (Entered: 04/26/2018)
05/25/2018	<u>7</u>	SUMMONS Returned Executed as to US Attorney by National Consumer Law Center. United States Department of Education served on 5/2/2018, answer due 7/2/2018 filed by National Consumer Law Center. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Yu, Persis) Modified text, answer deadline and event type on 5/29/2018 (DaSilva, Carolina). (Entered: 05/25/2018)
06/13/2018	<u>8</u>	NOTICE of Appearance by Susan M. Poswistilo on behalf of United States Department of Education (Poswistilo, Susan) (Entered: 06/13/2018)
06/13/2018	<u>9</u>	Assented to MOTION for Extension of Time to 7/9/18 to File Answer by United States Department of Education.(Poswistilo, Susan) (Entered: 06/13/2018)
06/13/2018	<u>10</u>	Judge Indira Talwani: ELECTRONIC ORDER entered granting <u>9</u> Motion for Extension of Time to Answer/Respond re <u>1</u> Complaint United States Department of Education. Answer/Response due 7/9/2018. (MacDonald, Gail) (Entered: 06/13/2018)
07/06/2018	<u>11</u>	ANSWER to <u>1</u> Complaint by United States Department of Education.(Poswistilo, Susan) (Entered: 07/06/2018)
09/17/2018	<u>12</u>	NOTICE of Scheduling Conference. Scheduling Conference set for 10/15/2018 02:45 PM in Courtroom 9 before Judge Indira Talwani. (MacDonald, Gail) (Entered: 09/17/2018)
09/28/2018	<u>13</u>	JOINT SUBMISSION pursuant to Local Rule 16.1 (Attachments: # <u>1</u> DELETED and docketed as a separate entry)(Llewellyn, Patrick)(DaSilva, Carolina). (Entered: 09/28/2018)
09/28/2018	<u>14</u>	Joint MOTION to Vacate <i>Scheduling Conference</i> by National Consumer Law Center.(Llewellyn, Patrick) (Entered: 09/28/2018)
09/28/2018	<u>15</u>	CERTIFICATION pursuant to Local Rule 16.1 by National Consumer Law Center. Refiled as a separate entry using the proper event. (DaSilva, Carolina) (Entered: 10/01/2018)
10/01/2018	<u>16</u>	CERTIFICATION pursuant to Local Rule 16.1 . (Poswistilo, Susan) (Entered: 10/01/2018)
10/03/2018	<u>17</u>	Judge Indira Talwani: ELECTRONIC ORDER entered granting <u>14</u> Joint MOTION to Vacate <i>Scheduling Conference</i> . Scheduling Conference set for 10/15/18 is RESET for 10/24/2018 02:00 PM in Courtroom 9 before Judge Indira Talwani. (MacDonald, Gail) (Entered: 10/03/2018)

10/11/2018	<u>18</u>	Judge Indira Talwani: ELECTRONIC ORDER: VACATING the scheduling conference set for October 24, 2018. Counsel shall file a joint status report by October 19, 2018, as set forth in the Joint Motion to Vacate Scheduling Conference <u>14</u> . (Status Report due by 10/19/2018) (MacDonald, Gail) (Entered: 10/11/2018)
10/19/2018	<u>19</u>	STATUS REPORT (<i>Joint</i>) by National Consumer Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Llewellyn, Patrick) (Entered: 10/19/2018)
10/24/2018	<u>20</u>	Judge Indira Talwani: ORDER entered. (MacDonald, Gail) (Entered: 10/25/2018)
12/07/2018	<u>21</u>	STATUS REPORT (<i>Joint</i>) by National Consumer Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Llewellyn, Patrick) (Entered: 12/07/2018)
12/12/2018	<u>22</u>	Judge Indira Talwani: ORDER entered re: <u>21</u> Status Report. The parties shall file a joint status report by February 8, 2019 . (DaSilva, Carolina) (Entered: 12/12/2018)
01/16/2019	<u>23</u>	MOTION to Stay <i>Proceedings Due to Lapse in Appropriations</i> by United States Department of Education.(Poswistilo, Susan) (Entered: 01/16/2019)
01/17/2019	<u>24</u>	Judge Indira Talwani: ELECTRONIC ORDER entered GRANTING IN PART <u>20</u> MOTION to Stay Proceedings Due to Lapse in Appropriations. Discovery is stayed until appropriations have been restored to the Department of Justice or until the stay is otherwise lifted by the court. Within twenty-eight days of the stay being lifted, the parties shall file a joint status report concerning the status of the case and proposing a schedule for further proceedings. (DaSilva, Carolina) (Entered: 01/17/2019)
01/31/2019	<u>25</u>	Judge Indira Talwani: ELECTRONIC ORDER entered. ORDER LIFTING STAY. Joint Status Report, including a proposed schedule for further proceedings, due by 2/28/2019. (MacDonald, Gail) (Entered: 01/31/2019)
02/27/2019	<u>26</u>	STATUS REPORT (<i>Joint</i>) by National Consumer Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Llewellyn, Patrick) (Entered: 02/27/2019)
03/01/2019	<u>27</u>	Judge Indira Talwani: ORDER entered re <u>26</u> Joint Status Report. Parties shall file a joint status report by March 29, 2019 . See Attached Order . (Haran, Jodi) (Entered: 03/01/2019)
03/29/2019	<u>28</u>	STATUS REPORT (<i>Joint</i>) by National Consumer Law Center. (Attachments: # <u>1</u> Text of Proposed Order)(Llewellyn, Patrick) (Entered: 03/29/2019)
04/02/2019	<u>29</u>	Judge Indira Talwani: ORDER entered re: Summary Judgment briefing. (MacDonald, Gail) (Entered: 04/02/2019)
05/21/2019	<u>30</u>	MOTION for Summary Judgment by United States Department of Education.(Poswistilo, Susan) (Entered: 05/21/2019)
05/21/2019	<u>31</u>	MEMORANDUM in Support re <u>30</u> MOTION for Summary Judgment filed by United States Department of Education. (Attachments: # <u>1</u> Exhibit)(Poswistilo, Susan) (Entered: 05/21/2019)
06/18/2019	<u>32</u>	Cross MOTION for Summary Judgment by National Consumer Law Center.(Llewellyn, Patrick) (Entered: 06/18/2019)
06/18/2019	<u>33</u>	MEMORANDUM in Support re <u>32</u> Cross MOTION for Summary Judgment <i>and in Opposition to Defendant's Motion for Summary Judgment</i> filed by National Consumer Law Center. (Llewellyn, Patrick) (Entered: 06/18/2019)
06/18/2019	<u>34</u>	Statement of Material Facts L.R. 56.1 re <u>32</u> Cross MOTION for Summary Judgment <i>and Response to Defendant's Statement of Material Facts</i> filed by National Consumer Law Center. (Llewellyn, Patrick) (Entered: 06/18/2019)
06/18/2019	<u>35</u>	DECLARATION re <u>32</u> Cross MOTION for Summary Judgment <i>of Persis Yu</i> by National Consumer Law Center. (Llewellyn, Patrick) (Entered: 06/18/2019)
07/08/2019	<u>36</u>	Assented to MOTION for Extension of Time to July 16, 2019 to File Combined Reply to Motion for Summary Judgment and Opposition to Plaintiff's Cross-Motion for Summary Judgment by United States Department of Education.(Poswistilo, Susan) (Entered: 07/08/2019)